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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,840	12/20/2000	Nobuhiro Saitou	826.1646/JDH	3885

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EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 06/16/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,840

Applicant(s)

SAITOU, NOBUHIRO

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed 03/08/04 have been fully considered but they are not persuasive. The applicant argues on page 7 of the amendment that the examiner needs to provide an affidavit for the Microsoft Org Chart printouts provided. The applicant is invited to come in for an interview to observe the Microsoft Org Chart software or they view it on any computer with Windows NT operating system (at minimum). This would allow the applicant to observe the deleting (editor) function and the objects 1 and 3 connecting automatically.

2. The applicant argues on page 8 that Microsoft Org Chart does not disclose "said editor adjusting a position of at least one of the first and third objects on said display unit to adjust a distance between the first and third objects, if the distance between the first and third objects after the second object is deleted is larger than a predetermined threshold". Fig 2 has a constant distance between object 1 and object 2. The distance between the 1st and 3rd objects is always greater than this distance. This distance between the 1st and 2nd object is the threshold. However the Microsoft Org Chart does not disclose what happens when the distance is less than the threshold. This could be a limitation that could be added to the claim to read over this art as suggested by the examiner.

3. Also on page 9 the applicant argues that Microsoft Org Chart does not teach claim 7, an editor deleting the second object and connecting the first and third objects when the second object is selected and dragged to a predetermined area. New figs 21-23 show object 2 being moved to a predetermined area and then connecting object 3 back to object 1. However, this was not done automatically, but the claim does not say this.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Organization Chart in view of Usuda, U.S. Patent No. 5,469,539.

6. As per claims 1, 11, 13 and 15, Microsoft Organization Chart discloses a display unit to display a graphic including a first object, a second object and a third object that are connected in series via lines (fig 2); an editor to delete the second object and to connect the first and third objects when the second object is selected (figs 2-4); said editor adjusting a position of at least one of the first and third objects on said display unit to adjust a distance between the first and third objects, if the distance between the first and third objects after the second object is deleted is larger than a predetermined threshold (Fig 2 has a constant distance between object 1 and object 2. The distance between the 1st and 3rd objects is always greater than this distance. This distance between the 1st and 2nd object is the threshold. However, Microsoft Org Chart does not specifically disclose a storage unit, coupled to said display unit, to store a first table with position information that indicates a position of each object displayed on said display unit, a second table with line information that identifies the lines connecting the first, second and third objects, and a third table with preceding information that identifies an object preceding each object. This is disclosed in Usuda in fig 5a and column 4 lines 18-66. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use tables to store the chart information because this made it clearer when storing hierarchal information as in a flow chart.

7. As per claim 2, Microsoft Org Chart discloses wherein said editor displays the third object in a position where the second object used to be displayed when the second object is selected and deleted (fig 4).

8. As per claim 3, Microsoft Org Chart discloses a coordinate system providing unit providing a virtual coordinate system in which each box is defined as an area for displaying an object (fig 2), wherein

said display unit displays each object using the virtual coordinate system and said editor locates each object using the virtual coordinate system (fig 2).

9. As per claim 5, Microsoft Org Chart discloses a display unit displaying a graphic including a first object, a plurality of second objects connected to the first object and a third object connected to the plurality of second objects (fig 15); and an editor deleting the plurality of second objects and connecting each of the first object and the third object when the plurality of second objects is selected (figs 15-17).

10. As per claims 7, 12 and 16, Microsoft Org Chart discloses a graphics editing device, comprising: a display unit displaying a graphic including a first object, a second object and a third object that are connected in series (fig 2); an editor deleting the second object and connecting the first and the third objects when the second object is selected and dragged (figs 21-23) to a predetermined area (fig 14).

11. As per claim 8, Microsoft Org Chart discloses a graphics editing device, comprising: a display unit displaying a graphic including a first object, a second object and a third object that are connected in series (fig 2); an editor deleting the second object and connecting the first and the third objects when the second object is selected and dragged (figs 21-23) to a specific relative position from a position of the graphic (fig 14).

12. As per claim 9, Microsoft Org Chart discloses said editor corrects a distance between the first and third objects according to a predetermined condition (figs 1-3).

13. As per claim 10, Microsoft Org Chart discloses a management unit managing a sequence of the objects, said management unit manages the third object as a subordinate object to the first object (fig 2), if the second object is subordinate to the first object and the third object is subordinate to the second object before the second object is deleted (fig 2).

14. As per claim 14, Microsoft Org Chart discloses a storage medium that stores a program executed by a computer, the program comprising: a program code of displaying a graphic including a first object, a second object and a third object that are connected in series (fig 2); and a program code deleting the second object and connecting the first and third objects when the second object is selected and dragged (figs 21-23) to a predetermined area. (figs 3 and 4).

Allowable Subject Matter

15. Claim 6 is allowed.

16. The following is a statement of reasons for the indication of allowable subject matter: The prior art of reference fails to teach an editor deleting the second object and separately connecting each of the plurality of first objects and each of the plurality of third objects automatically when the second object is deleted..

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Wallace whose telephone number is 703-605-5163. The examiner can normally be reached on Monday thru Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK ZIMMERMAN
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